

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RYAN CONSULTING LLC and
SCOTT RYAN

Plaintiffs,

v.

FIRSTBANK OF PUERTO RICO, TERRA
ROSSA, TRELLIS ADVISORS, and
ANALYTIX SOLUTIONS,

Defendants.

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1:23-CV-609-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Dustin Howell concerning Defendant FirstBank of Puerto Rico's Motion to Dismiss, (Dkt. 31). (R. & R., Dkt. 41). Plaintiffs timely filed objections to the report and recommendation. (Obj., Dkt. 43).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiffs timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiffs' objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Dustin Howell, (Dkt. 41), is **ADOPTED**.¹

¹ Plaintiffs also object to the magistrate judge's order on their motion for expedited discovery and jurisdictional discovery, (Dkt. 34). This non-dispositive motion was addressed in the magistrate judge's order, (Dkt. 41), and is reviewed for clear error. *Castillo v. Frank*, 70 F.3d 382, 385 (5th Cir. 1995). The Court finds

IT IS FURTHER ORDERED that Defendant FirstBank of Puerto Rico's Motion to Dismiss, (Dkt. 31), is **GRANTED**. Plaintiffs' claims are **DISMISSED WITHOUT PREJUDICE**.

In their objections, Plaintiffs request leave to file an amended complaint. (Obj., Dkt. 43). However, objections to a report and recommendation are not the proper vehicle to decide whether to grant leave to amend and Plaintiffs do not include their proposed amended complaint as an attachment. Accordingly, should Plaintiffs seek leave to file an amended complaint, they may file a motion for leave on or before **October 24, 2023**.

SIGNED on October 11, 2023



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE

no clear error with the denial of Plaintiffs' motion. At any rate, because Plaintiffs' complaint does not establish subject-matter jurisdiction, this Court cannot order expedited discovery.